

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

X

In re:

LEONID ORLOV

***Return Date: July 14, 2015***  
***Time: 10:00 a.m.***

Chapter 13  
Case No.: 115-41183-608

Debtor(s)

X

SIRS / MADAMS:

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Carla E. Craig, United States Bankruptcy Judge, on the 14<sup>th</sup> day of JULY, 2015 at 10:00AM, at the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York 11201, for an Order pursuant to 11 U.S.C. §§521 & 1307(c), dismissing this case, by reason of the debtor(s)' failure to file and/or provide documents, failure to appear at the adjourned §341 meeting of creditors, and for such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that answering papers, if any, shall be filed with the Court and served on the undersigned no later than seven (7) days prior to the return date of this motion.

Dated: Melville, New York  
June 22, 2015

Yours, etc.

MICHAEL J. MACCO  
Chapter 13 Trustee  
135 Pinelawn Road, Suite 120 South  
Melville, New York 11747  
(631) 549-7900

*To: Office of the United States Trustee  
Leonid Orlov  
Karamvir Dahiya, Esq., Attorney for Debtor(s)  
Wells Fargo Bank, Creditor  
Ascension Capital Group, Creditor*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
In re:

LEONID ORLOV

**tmm1634**

Chapter 13  
Case No.: 115-41183-608

Debtor(s)

**APPLICATION**

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TO THE HONORABLE CARLA E. CRAIG, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, respectfully represents, as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on March 20, 2015, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. As of this date of this motion, the debtor(s) has failed to provide the Trustee with copies of pay statements from employer from February 21, 2015 through March 20, 2015; an amended Chapter 13 Plan; amended Schedules B, D, F, I & J; amended Statement of Financial Affairs; utility bills for the month of April including water, telephone, and cable; 2011 through 2014 tax transcripts; bank statements from all accounts from September 1, 2014 through March 31, 2015 all pages; detailed affidavit regarding disputed debts; proof of post-petition mortgage payments being made; and proof of when debtors received tax refunds or turnover tax refunds to Trustee.
3. In addition, the debtor failed to appear at the adjourned §341 meeting of creditors, held on June 17, 2015 at 10:00 a.m.
4. This is a material default and is prejudicial to the rights of the creditors of the debtor.

**WHEREFORE**, the Trustee prays for an Order pursuant to the provisions of 11 U.S.C. §§521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Melville, New York  
June 22, 2015

/s/ *Michael J. Macco*

Michael J. Macco, Chapter 13 Trustee  
135 Pinelawn Road – Suite 120 South  
Melville, New York 11747  
(631) 549-7900

STATE OF NEW YORK )  
COUNTY OF SUFFOLK ) ss.:

LONI BRAGIN, being duly sworn deposes and says: deponent is not a party to this action, is over 18 years of age and resides in Suffolk County, New York.

On June 22, 2015, deponent served the within:

**NOTICE OF MOTION AND APPLICATION**

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Office of the United States Trustee  
U.S. Federal Office Building  
201 Varick Street, Ste. 1006  
New York, NY 10014*

*Leonid Orlov  
4677 Bedford Avenue  
Brooklyn, NY 11235*

*Karamvir Dahiya, Esq.  
Attorney for Debtor(s)  
75 Maiden Lane, Ste. 506  
New York, NY 10038*

*Wells Fargo Bank, NA  
c/o Shapiro, DiCaro & Barak, LLC  
175 Mile Crossing Blvd  
Rochester, NY 14624*

*Ascension Capital Group  
P.O. Box 201347  
Arlington, TX 76006*

*/s/ Loni Bragin*  
LONI BRAGIN

Sworn to before me this  
22<sup>nd</sup> day of JUNE, 2015

*/s/ Janine M. Zarrilli*

NOTARY PUBLIC

Janine M. Zarrilli  
Notary Public, State of New York  
No. 01ZA5084708  
Qualified in Nassau County  
Commission Expires September 8, 2017